

G. R. S. IX-5]

Previous references.

File No. 37-20

Serial Nos. 1-2

1920.

(*Legis*)

Later references.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. *2000.*

Part B for

July 1921

SUBJECT.

*Amendment of the Indian Penal Code
in regard to the abolition of the penalty of
transportation*

GENERAL AND REVENUE SECRETARIAT.

(*Legs*)

NOTES.

File No. 37-20

FILE HEADING.

Amendment of the Indian Penal Code

From

The Secy to the Resident in Mysore

No. *5076*
*109-1921*Dated *3-6-1921*Received *6-6-21*Diary No. *25417*Enclos. *1* Spare Copies.Serial No. *1*

BRIEF ABSTRACT OF LETTER.

Requests that the Government will consider the desirability of amending I. P. C. in regard to abolition of the punishment of transportation of which the law is amended in this direction in A. P. C.

NOTES AND ORDERS.

Encl.

The practice in the state is a station life commences in the Bangalore Central Jail so the question of increasing accommodation does not arise here

P.T.C.

Serial
No.

The question of amending
the I.P.C. may be taken
up after the House of Lords
amendments are published.

Bl
18/3/21
10/6
9/6

Memo put up to suitable
WfB reply also
D. M.
9/6

Drugs reply sent for app.

Bl
10/6/21
10/6

Rev Secy

2nd Member

18/6/21

D. M.

18/6

D. M.
19/6

WfB

WfB

WfB

J. M.

D. M.
20/6

2

To

The Secretary to the Resident.

No. Pol. 1289 of 22-6-21.

States that the Resident are appreciable
take up the question of suitably amend
the Indian Penal Code in regard to the abo-
tion of the penalty of transportation
after the Act is amended by the
Government of India

Ref. 1806

DIARY No 2547

GEN & REV. SECT.

4 JUN 1921

FROM

MAJOR C. T. C. PLOWDEN, I. A.,

SECRETARY TO THE RESIDENT IN MYSORE.

No. 5076

109-1921

R. O. 22-RPB-4 1921-1,000

ENC. 1

SERIAL

37-20

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore. 3rd June 1921.

Sir,

I am directed to forward for the information of the Durbar, a copy of a letter No. 101/Jails dated the 30th March 1921, from the Government of India, in the Home Department, regarding the decision to abolish the penal settlement in the Andamans, and to request that the Durbar will consider the desirability of amending the Penal Code as in force in the Mysore State in regard to the abolition of the penalty of transportation when the law has been amended in this direction in British India. Such an amendment will require the formal sanction of the Government of India under Article 18 of the Treaty of 1913.

I have the honour to be,

Sir,

Your most obedient servant,

SECRETARY TO THE RESIDENT.

Copy of letter from C. W. Gwynne, Esquire, O.B.E., Deputy Secretary to the Government of India, to all local Governments and Administrations, No.101-Jails, dated the 30th March 1921.

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I am directed to refer to the Home Department circular letters noted on the margin in which the views of local Governments and Administrations have been asked for on the recommendations contained in various chapters of the report of the Indian Jails Committee.

With regard to Chapter XXI of that report, which deals with transportation and the Andamans, the opinion of the Government of Madras etc.

1. No. 305, dated the 16th December 1920.)	your opinion
2. No. 306, " " " " ")	
3. No. 307, " " 17th " ")	was invited in the Home Depart-
4. No. 312, " " 23rd " ")	
5. No. 13, " " 14th January 1921.)	ment letter No.312, dated the
6. No. 34, " " 31st " ")	

23rd December 1920, only on

the two proposals contained in paragraph 572 of the report, viz., (a) that the further deportation of females to the Andamans should be immediately stopped and (b) that the female convicts other than self-supporters, now in the Islands should be brought back to India and distributed among the provinces to which they belong. The Government of India have since decided, in communication with the Secretary of State, to abolish the Penal Settlement of Port Blair and I am therefore to request that, with the permission of His Excellency the Governor in Council, His Honour the Lieutenant Governor, the deportation to the Andamans of female convicts who have been sentenced to transportation should be stopped forthwith. It has also been decided to re-transfer, as far as practicable, all female convicts now in Port Blair to Jails in their provinces and the Chief Commissioner, Andaman and Nicobar Islands is being asked to take the necessary action for this purpose as suitable opportunity arises. He will act in direct communication with local Governments.

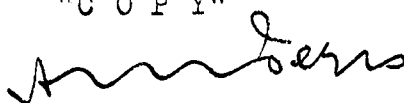
2. The questions raised in the Home Department letter above referred to have therefore been settled, and no further expression of opinion is necessary on the points put to local Governments for consideration. The decision to abandon the Andamans as a penal settlement,

settlement, however raises a more important question, namely, the steps to be taken by local Governments to give practical effect to this decision. An undertaking was given in the Legislative Assembly that as far as possible deportation to the Andamans would cease and I am accordingly to request that, with the permission of His Excellency the Governor in Council ^{His Honour} the Lieutenant Governor, necessary instructions may be issued to this effect. In this connection it will be necessary to consider at once what additional jail accommodation in the Madras Presidency etc. will be required and I am to request that the necessary enquiries may be initiated at once, and that very early steps may be taken to provide this additional accommodation. As Jails are a provincial subject the extra cost will fall on local Governments. The Government of India will, at the same time consider what amendments of the law are required in view of this decision which is equivalent to the abandonment of transportation as a form of punishment.

3. As far as practicable then, and as accommodation becomes available in India, the deportation of fresh convicts to the Andamans will cease, but in addition to measures to be taken in accordance with paragraphs 1 & 2 above and in order to carry out completely the policy now accepted it will be necessary, as opportunity offers, to re-transfer to jails in India the convicts now undergoing sentences in the Andamans. There are some 12000 such convicts, and the process of transferring them to India will, it is recognized, be a lengthy one and one which can only be carried out as accommodation is provided in India to receive them.

I am, therefore, to request that with the permission of His Excellency the Governor in Council ^{His Honour} the Lieutenant Governor very early steps may be taken to consider the additional amount of jail accommodation which will be required for these convicts also and to estimate approximately the dates by which such accommodation can be provided. I am to ask for an early reply to this reference.

---:O:---
"C O P Y"



REGISTRAR, RESIDENT'S OFFICE.

Diary No. of letter replied to

Section

Legal

File No.

37-20

Serial No

2

General and Revenue Secretariat

, the

191

No.

Pol 1287

Date of issue

22nd June 1921

To

The Secy to the Resident
in Mysore

Signed by

Mr. B. R.

Sir,

I am directed to
acknowledge receipt of your
letter NO 5076 of 3-6-1921
109-1821
re the amendment of the
Indian Penal Code and
directed
to state that the Government are agreed
to take up the question
of suitably amending
the I P C in regard
to the abolition of Tax
over.

penalty by transportation
~~will be taken up~~ ^{after} on the
~~publication~~ of the Road of
India accordingly
in the matter